

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 04-3741 (DSD/JGL)

Babray Hanan,

Petitioner,

v.

ORDER

Mark Cangemi, District Director,
U.S. Immigration & Customs
Enforcement (ICE); Tom Ridge,
Secretary, Department of Homeland
Security; John Ashcroft, United
States Attorney General,

Respondents.

This matter is before the court upon petitioner's objections to the report and recommendation of United States Magistrate Judge Jonathan Lebedoff, dated August 2, 2005. In his report, the magistrate judge concluded, *inter alia*, that the petition should be transferred to the United States Court of Appeals for the Eighth Circuit pursuant to the REAL ID Act of 2005.

The court reviews the reports and recommendations of the magistrate judge *de novo*. 28 U.S.C. § 636(b)(1)(C). Petitioner argues that his challenge to conditions of supervised release as imposing unlawful "custody" still properly lies before this court. However, as the magistrate judge observed, petitioner abandoned that claim when he failed to preserve it in his reply to the respondent's return and failed for nearly two months to oppose the respondent's suggestion that the entire case be transferred to the

court of appeals. After a thorough review of the entire file and record, the court finds that the magistrate judge's report and recommendation is well-reasoned and correctly interprets the requirements of the REAL ID Act. Therefore, the court adopts the report and recommendation of the magistrate judge in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner's claim challenging the DHS detention is denied as moot.

2. The remainder of the petition for a writ of habeas corpus [Doc. No. 1] is transferred to the United States Court of Appeals for the Eighth Circuit.

Dated: August 24, 2005

s/David S. Doty
David S. Doty, Judge
United States District Court